



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

AUG 24 2005

REPLY TO THE ATTENTION OF
(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Anthony Sirek, Chair
Barron County Solid Waste Management Board
Barron County Waste to Energy Facility
P.O. Box 68
Almena, Wisconsin 54805

Re: Finding of Violation
Barron County Waste to Energy
Facility
Almena, Wisconsin

Dear Mr. Sirek:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Finding of Violation (FOV) to Barron County Solid Waste Management Board (Barron County, you). We find that you are violating Section 111 of the Clean Air Act (Act), 42 U.S.C. § 7411, and 40 C.F.R. Part 62, Subpart JJJ, Federal Plan Requirements for Small Municipal Waste Combustion Units Constructed on or before August 30, 1999, at your Almena, Wisconsin facility.

We have several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, or bringing a civil or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the FOV.

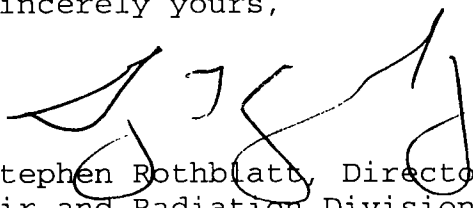
We are offering you an opportunity to meet with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations of this nature.

Please plan for your facility's technical and management personnel to attend the conference to discuss meaningfully compliance measures and commitments. You may have an attorney

represent you at this conference.

The U.S. EPA contact in this matter is Farro Assadi. You may call him at (312) 886-1424 to request a conference. You should make this request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,



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Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: Neal Baudhuin, Supervisor
Wisconsin Department of Natural Resources
Northern Region

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
Barron County Waste to)	FINDING OF VIOLATION
Energy Facility)	
Almena, Wisconsin)	EPA-5-05-WI-09
)	
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	

Finding of Violation

The United States Environmental Protection Agency (U.S. EPA) hereby notifies the State of Wisconsin and Barron County Solid Waste Management Board (Barron County), that U.S. EPA finds Barron County's waste to energy plant, located at 575 10-1/2 Avenue, Almena, Wisconsin, in violation of the Clean Air Act (Act), 42 U.S.C. §§ 7401 et seq. Barron County is in violation of Section 111 of the Act, 42 U.S.C. § 7411, and regulations setting forth Federal Plan Requirements for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999, at 40 C.F.R. Part 62, Subpart JJJ, as follows:

Regulatory Authority

1. On January 31, 2003, in accordance with Section 111(d) and Section 129 of the Act, U.S. EPA promulgated the Federal Plan Requirements for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999, at 40 C.F.R. Part.62, Subpart JJJ, §§ 62.15000 - 62.15410 and Tables 1 through 9 (Subpart JJJ).

2. Subpart JJJ applies to each municipal waste combustion unit with a capacity to combust at least 35 tons per day of municipal solid waste or refused-derived fuel but no more than 250 tons per day of municipal solid waste or refuse-derived fuel for which construction was commenced on or before August 30, 1999, and that is not regulated by a U.S. EPA approved and currently effective State or Tribal plan.

3. Section 62.15410, defines Class II units as small municipal waste combustion units that are located at municipal

waste combustion plants with aggregate plant combustion capacity of less than or equal to 250 tons per day.

4. Table 1 of Subpart JJJ of Part 62 requires all Class II Small Municipal Waste Combustion Units to achieve final compliance no later than May 6, 2005.

Factual Background

5. Barron County owns and operates two municipal waste and refuse derived fuel fired incinerators (Combustion Units) at its facility located at 575 10-1/2 Avenue, Almena, Wisconsin.

6. The incinerators each have a capacity to combust 40 tons per day of municipal solid waste and construction for the units commenced on or before August 30, 1999.

7. The Combustion Units are not regulated by an approved and currently effective State or Tribal plan and, therefore, are affected facilities as defined in 40 C.F.R. § 62.15010(a) and subject to the requirements of Subpart JJJ.


Violations

8. 40 C.F.R. § 62.15160(a)(2) and Table 4 of Subpart JJJ of Part 62 specify that the owner or operator of a subject facility must not cause to be discharged into the atmosphere from a Class II unit any gases that contain particulate matter in excess of 70 milligrams per dry standard cubic meter (mg/dscm), corrected to 7 percent oxygen. Based upon the stack test conducted on May 4, 2005, Barron County incinerators emit 135.4 mg/dscm of particulate matter and, therefore, are in violation of the above limit.

9. 40 C.F.R. § 62.15160(a)(2) and Table 4 of Subpart JJJ of Part 62 specify that the owner or operator of a subject facility must not cause to be discharged into the atmosphere from a Class II facility any gases that contain hydrogen chloride (HCL) in excess of 250 ppm by volume or 50 percent of the potential HCL emissions (50 percent reduction), corrected to 7 percent oxygen.

Based upon the stack test conducted on May 3, 2005, Barron County incinerators emit 251 ppm of HCL, and, therefore, are in violation of the above limit.

8/24/05
Date

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Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

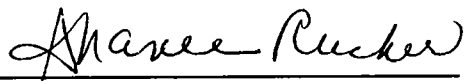
I, Shanee Rucker, certify that I sent a Finding of Violation
Return Receipt Requested, to:

Anthony Sirek, Chair
Barron County Solid Waste Management Board
Barron County Waste to Energy Facility
P.O. Box 68
Almena, Wisconsin 54805

I also certify that I sent copies of the Finding of
Violation by first class mail to:

Neal Baudhuin, Supervisor
Wisconsin Department of Natural Resources
Northern Region
107 Sutliff Avenue
Rhinelander, Wisconsin 54501

on the 24th day of August, 2005.


Shanee Rucker, Secretary
AECAS, MI/WI Section

CERTIFIED MAIL RECEIPT NUMBER: 70010320000614479611